

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
STACY MIRANDA SLOAN)	CASE NO. 06-60273 JPK
)	Chapter 7
Debtor.)	

ORDER STRIKING PETITION/CLOSING CASE RECORD

This Chapter 7 case was sought to be initiated by documents filed on February 24, 2006. The form of Voluntary Petition filed on February 24, 2006, as evidenced by docket record entry #1, does not comply with the Fifth Amended Order Authorizing Electronic Case Filing of the United States Bankruptcy Court for the Northern District of Indiana: section 11(c)(l) of that order requires that a debtor's signature on a petition must be evidenced by either a scanned copy of the originally signed document, or by attaching a scanned copy of the signature page to the electronic document. The use of the "/s/" format for a debtor's signature is not authorized. 11 U.S.C. § 301 provides that a "voluntary case under a chapter of this title is commenced with the filing with the Bankruptcy Court of a petition under such chapter by an entity that may be a debtor under such chapter". B.R. 1002(a) provides for the filing of a petition commencing a case to be made with the Clerk of the Court. N.D.Ind.L.B.R. B-1002-1(a)(1) states that the minimum filing requirements necessary to commence a case includes the filing of a petition; subparagraph (b) of that rule states:

The clerk may refuse to accept any case for filing which does not comply with the minimum filing requirements established by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Official Forms in effect at the time the case is presented for filing. If such a case is accepted for filing, it may be stricken by the Court, sua sponte, without notice.

Because there was no petition in proper form, the filing should not have been accepted. The case was thus a nullity from its inception, and the petition will be stricken. Because the

case was a nullity from its inception, it is not subject to dismissal: There simply was never a case.

IT IS ORDERED that the "petition" filed on February 24, 2006 is stricken.

IT IS FURTHER ORDERED that the clerk shall close the record in this case.

IT IS FURTHER ORDERED that the record in this case shall not constitute a "case" for the purposes of 11 U.S.C. §362(c)(3) and/or 11 U.S.C. §362(c)(4).

IT IS FURTHER ORDERED that there is no entitlement to any refund of any filing fee with respect to this case.

Dated at Hammond, Indiana on March 14, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
All Creditors
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